

Rec'd PCT/PTO 28 JUN 2004

10/501846

Modified PTO/SB/01 (12-97)

<b>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)</b>  <input type="checkbox"/> Declaration Submitted with Initial Filing <input type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)	<b>Attorney Docket Number</b> LCI-101	
	<b>First Named Inventor</b> Betensky	
	<b>COMPLETE IF KNOWN</b>	
	<b>Application Number</b>	
	<b>Filing Date</b>	
	<b>Group Art Unit</b>	
	<b>Examiner Name</b>	

**As a below named inventor, I hereby declare that:**

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**DUAL POWER BINOCULAR WITH ADJUSTABLE STOP**

the specification of which (Title of the Invention)

☐ is attached hereto  
OR  
☒ was filed on (MM/DD/YYYY) **12/23/2002** as United States Application Number or PCT International Application Number **PCT/US02/41525** and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	
60/343,662	12/26/2001	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

# DECLARATION - Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

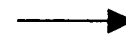
U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

☒ Customer Number

23520



Place Customer  
Number Bar Code  
Label here

OR

☐ Registered practitioner(s) name/registration number listed below

Name	Registration Number	Name	Registration Number

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to: ☒ Customer Number 23520 OR ☐ Correspondence address below  
or Bar Code Label

Name					
Address					
Address					
City		State		ZIP	
Country		Telephone		FAX	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:



A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])	Family Name or Surname
Ellis I.	Betensky

Inventor's Signature					Date		
Residence: City	Halifax	State	NS	Country	CA	Citizenship	US
Post Office Address	5693 Victoria Road						
Post Office Address							
City	Halifax	State	NS	ZIP	B3H 1M9	Country	CA

☒ Additional inventors are being named on the 2 supplemental Additional Inventor(s) sheets(s) PTO/SB/02A attached hereto.

# DECLARATION

## ADDITIONAL INVENTOR(S) Supplemental Sheet

Page 1 of 2

<b>Name of Additional Joint Inventor, if any:</b>				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])				Family Name or Surname			
James Brian				Caldwell			
Inventor's Signature				Date			
Residence: City	Hallandale Beach	State	FL	Country	US	Citizenship	US
Post Office Address	1835 East Hallandale Beach Boulevard, #489						
Post Office Address							
City	Hallandale Beach	State	FL	ZIP	33009	Country	US
<b>Name of Additional Joint Inventor, if any:</b>				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])				Family Name or Surname			
Inventor's Signature				Date			
Residence: City		State		Country		Citizenship	
Post Office Address							
Post Office Address							
City		State		ZIP		Country	
<b>Name of Additional Joint Inventor, if any:</b>				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])				Family Name or Surname			
Inventor's Signature				Date			
Residence: City		State		Country		Citizenship	
Post Office Address							
Post Office Address							
City		State		ZIP		Country	

# DECLARATION

## ADDITIONAL INVENTOR(S) Supplemental Sheet

Page 2 of 2

<b>Name of Additional Joint Inventor, if any:</b>				<input type="checkbox"/> A petition has been filed for this unsigned inventor				
Given Name (first and middle [if any])				Family Name or Surname				
Klaus G.				Raschke				
Inventor's Signature				Date				
Residence: City		Weston	State	FL	Country	US	Citizenship	DE
Post Office Address		460 Montclair Drive						
Post Office Address								
City		Weston	State	FL	ZIP	33326	Country	US
<b>Name of Additional Joint Inventor, if any:</b>				<input type="checkbox"/> A petition has been filed for this unsigned inventor				
Given Name (first and middle [if any])				Family Name or Surname				
Inventor's Signature				Date				
Residence: City			State		Country		Citizenship	
Post Office Address								
Post Office Address								
City			State		ZIP		Country	
<b>Name of Additional Joint Inventor, if any:</b>				<input type="checkbox"/> A petition has been filed for this unsigned inventor				
Given Name (first and middle [if any])				Family Name or Surname				
Inventor's Signature				Date				
Residence: City			State		Country		Citizenship	
Post Office Address								
Post Office Address								
City			State		ZIP		Country	

[251] Attorney Docket No. :LCI-101

PCT

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

International Appl. No. : PCT/US02/41525  
International Filing Date : 23 December 2002  
Priority Date Claimed : 26 December 2001  
Title of Invention : DUAL POWER BINOCULAR WITH  
ADJUSTABLE STOP  
U.S. Serial No. : Not Yet Assigned  
Applicant (U.S.) : Ellis I. Betensky, James Brian Caldwell,  
and Klaus G. Raschke

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attention: DO/EO/US

COMBINED CERTIFICATE UNDER 37 CFR 3.73(b) AND  
POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST

I. Certificate Under 37 CFR 3.73(b)  
Establishing Right of Assignee to Take Action

Light Capture Inc., a corporation of Florida, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of that application. A true copy of the assignment is attached hereto and is also being submitted for recordation under separate cover.

The undersigned (whose title is supplied below) is authorized to sign this certificate on behalf of the assignee.

II. Power Of Attorney By Assignee

Light Capture Inc., the assignee of record of the entire right, title and interest in the patent application identified above appoints the following attorney to prosecute and transact all business in the Patent and Trademark Office connected therewith:

Maurice M. Klee, Ph.D.  
Reg. No. 30,399  
Attorney at Law  
1951 Burr Street  
Fairfield, CT 06824  
Tel: (203) 255-1400

**Customer No. 23520**

NAME OF ASSIGNEE : Light Capture Inc.  
ADDRESS OF ASSIGNEE : 1006 West 15<sup>th</sup> Street  
Riviera Beach, Florida 33404

5/29/2004  
Date

By: L. Raschke

KLAUS RASCHKE  
Name Printed

PRESIDENT  
Title

[252] Attorney Docket No. : LCI-101

PCT

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

International Appl. No. : PCT/US02/41525  
International Filing Date : 23 December 2002  
Priority Date Claimed : 26 December 2001  
Title of Invention : DUAL POWER BINOCULAR WITH  
ADJUSTABLE STOP  
U.S. Serial No. : Not Yet Assigned  
Applicant (U.S.) : Ellis I. Betensky, James Brian Caldwell, and  
Klaus G. Raschke

SUBMISSION OF CERTIFICATE UNDER 37 CFR 3.73(b)

Attached hereto is a Certificate Under Rule 3.73(b) for this application and attached thereto is a copy of the Assignment for this application.

**The attached Assignment is not being submitted for the purpose of recordation.**  
Once a serial number has been assigned to this application, the Assignment will be submitted for recordation under separate cover.

Respectfully submitted,

Date: June 25, 2004 Maurice Klee  
Maurice M. Klee, Ph.D.  
Reg. No. 30,399  
Attorney for Applicant  
1951 Burr Street  
Fairfield, CT 06824  
(203) 255-1400

10/501846

[233] Atty Dkt: NEWCO-1PR and LCI-101PCT

PATENT

ASSIGNMENT

FOR VALUE RECEIVED, we, Ellis I. Betensky, residing at 1406 - 1465 Brenton Street, Halifax, Nova Scotia, Canada B3J 3T3, James Brian Caldwell, residing at 1835 East Hallandale Beach Boulevard #489, Hallandale Beach, Florida 33009, and Klaus G. Raschke, residing at 406 Montclair Drive, Weston, Florida 33326, hereby sell, assign and transfer unto Light Capture Inc., a corporation of Florida, having a place of business at 1006 West 15<sup>th</sup> Street, Riviera Beach, Florida 33404, as assignee, and its successors, assigns and legal representatives, the entire right, title and interest, for all countries in and to certain inventions relating to

**DUAL POWER BINOCULAR WITH ADJUSTABLE STOP**

described in the following applications for Letters Patent:

- 1) U.S. Provisional Application No. 60/343,662 filed on December 26, 2001; and
- 2) an International Patent Application designating all PCT countries and regions, including, without limitation, the European Patent Office, China, Japan, the Republic of Korea, Singapore and the United States of America, identified by attorney docket number LCI-101 PCT and having the following serial number and filing date:

Serial Number: PCT/US02/41525

Filing Date: December 23, 2002

and in any future patent applications claiming the benefit of the filing dates of any of these applications, and all the rights and privileges under any and all Letters Patent that may be granted therefor.

We request that any and all patents for said inventions be issued to said assignee, its successors, assigns and legal representatives, or to such nominees as it may designate.

Dec 13 02 12:00P      1115 RECEIVED      1962 DEC 30 10

We agree that, when requested, we will, without charge to said assignee but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining patents for said inventions in any and all countries and for vesting title thereto in said assignee, its successors, assigns and legal representatives or nominees.

We authorize and empower the said assignee, its successors, assigns and legal representatives or nominees, to invoke and claim for any application for patent or other form of protection for said inventions filed by it or them, the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it, and to invoke and claim such right of priority without further written or oral authorization from us.

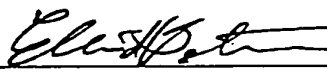
We hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any assignment, consent to file or like document which may be required in any country for any purpose and more particularly in proof of the right of the said assignee or nominee to claim the aforesaid benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it.

We covenant with said assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that we have full right to convey the same as herein expressed.

We hereby authorize and request our attorney, Maurice M. Klee, of 1951 Burr Street, Fairfield, Connecticut 06824, to insert in the blanks set forth above, the serial number and filing date of our International Patent Application on the inventions which are the subject of this assignment when said serial number and filing date are known.

**BEST AVAILABLE COPY**

Signed at Halifax, Nova Scotia Canada  
this 19<sup>th</sup> day of December, 2002.


  
Ellis I. Betensky

DECLARATION

I, Mary-Stewart Ross whose full post office address is:  
11 Eaglepoint Drive, Windsor Junction, N.S., CANADA B2T 1K1  
declare as follows:

THAT I was personally present and did see Ellis I. Betensky who is personally known to me to be the person named in the above assignment duly sign and execute the same.

19 Dec, 2002  
Date

  
Signature of Witness

Mary-Stewart Ross  
Witness Name Printed

**BEST AVAILABLE COPY**

Signed at Norfolk, VA  
this 19 day of DECEMBER, 2002.

James Brian Caldwell  
James Brian Caldwell

DECLARATION

I, Margaret Byrne whose full post office address is:

222 W. 21<sup>st</sup> Street, Norfolk, VA 23517  
declare as follows:

THAT I was personally present and did see James Brian Caldwell who is personally known to me to be the person named in the above assignment duly sign and execute the same.

12/19/2002  
Date

Margaret M. Byrne  
Signature of Witness  
Margaret M. Byrne  
Witness' Name Printed

BEST AVAILABLE COPY

Signed at 480 MONTCLAIRE DRIVE, WESTON, FL 33326

this 17 day of DECEMBER, 2002.

  
Klaus G. Raschke


DECLARATION

I, Michael Lichty whose full post office address is:

480 Montclair Dr Weston, FL 33326  
declare as follows:

THAT I was personally present and did see Klaus G. Raschke who is personally known to me to be the person named in the above assignment duly sign and execute the same.

12/17/02  
Date

  
Signature of Witness

Michael Lichty  
Witness' Name Printed

BEST AVAILABLE COPY